

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: _____/19

-----X
AISHA MORGAN,

Plaintiff,

Plaintiff designates
BRONX COUNTY
as place of trial.

-against -

BRONX-LEBANON HOSPITAL CENTER and
JOHN DOE,Defendant.
-----XThe basis of venue is
Plaintiff's residence address
at
2027 Cicero Ave., 2nd Floor
Bronx, NY 10473SUMMONS


To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, BRONX COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

BRONX-LEBANON HOSPITAL CENTER

2432 Grand Concourse

Bronx, NY 10458

JOHN DOE

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX****Index No.:**

_____/19

-----X
AISHA MORGAN,**Plaintiff,****-against -****VERIFIED
COMPLAINT****BRONX-LEBANON HOSPITAL CENTER and JOHN
DOE,****Defendants.**-----X
Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW,****PLLC.,** respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of plaintiff, Aisha Morgan, who was sexually abused as a child by John Doe at and of Bronx-Lebanon Hospital Center ("Bronx-Lebanon").
2. John Doe was a agent, servant and/or employee working at Bronx-Lebanon. John Doe was known among the community and among the staff at Bronx-Lebanon as a sexual predator.
3. Beginning in or about 1992 and continuing until approximately 1994, John Doe, while acting under the scope of his employment with Bronx- Lebanon and on behalf of Bronx-Lebanon, sexually abused plaintiff then between twelve and fourteen years old, by raping her and otherwise sexually abusing her.
4. Despite Bronx-Lebanon's knowledge that John Doe sexually abused minor aged patients of their hospital and/or had the propensity to sexually abuse minor aged patients at their

hospital, Bronx-Lebanon allowed and/or encouraged John Doe unfettered access to its minor aged patients, on defendant's premises, without proper supervision.

5. Plaintiff brings this lawsuit to recover for the emotional and physical suffering she incurred because of the negligence of Bronx- Lebanon and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

PARTIES

6. At all times herein mentioned defendant **BRONX-LEBANON HOSPITAL CENTER** was a domestic corporation organized and authorized to do business under the laws of the State of New York.
7. At all times herein mentioned, defendant **BRONX-LEBANON** was located at 2432 Grand Concourse, Bronx, New York 10458.
8. At all times herein mentioned, John Doe was a agent, servant and/or employee operating under the direction and control of defendant **BRONX-LEBANON HOSPITAL CENTER**, and its agents, servants and/or employees.
9. At all times herein mentioned, John Doe was an agent, servant and/or employee of defendant **BRONX-LEBANON HOSPITAL CENTER**.

FACTS OF THE CASE

10. Defendant **BRONX-LEBANON HOSPITAL CENTER**'s negligence and recklessness caused John Doe to have access to children, including on company premises, despite its knowledge that John Doe sexually abused children and/or had the propensity to sexually abuse to do so and therefore are responsible for the injuries that Plaintiff incurred because but for Defendant **BRONX-LEBANON HOSPITAL CENTER** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by John Doe.

Defendant **BRONX-LEBANON HOSPITAL CENTER's** gross negligence, reckless, wanton and/or willful conduct warrants punitive liability.

11. In or about 1992 and continuing until approximately 1994, John Doe raped plaintiff on Bronx-Lebanon premises and other venues.
12. John Doe, while acting under the direction and control of Bronx-Lebanon entered Plaintiff's hospital room when she was a patient at Bronx-Lebanon several times to check on her, although he was not her treating physician, and introduced himself to her as "Dr. Charles".
13. The first time John Doe raped Plaintiff, he brought alcohol into plaintiff's room and gave her a taste. He later returned to the room and asked her if she felt the effects of the alcohol and began to touch plaintiff. John Doe then pushed plaintiff down on the bed, John Doe was already wearing a condom and he forcefully raped her.
14. John Doe similarly raped plaintiff at Bronx-Lebanon one other time.
15. On another occasion, John Doe found plaintiff while she was in her neighborhood with a friend and demanded she get into his car. Plaintiff was embarrassed and reluctantly got into his car. John Doe then took plaintiff to his home and raped her.
16. On another occasion, John Doe followed plaintiff to Arthur Avenue, picked her up in his car, took her to his home and raped her.
17. In or about 1999, plaintiff confronted John Doe at Bronx-Lebanon on Fulton Avenue. At that time, plaintiff made a complaint to Bronx-Lebanon, but Bronx-Lebanon took no action against John Doe. In fact, upon information and belief, John Doe still works at Bronx-Lebanon as a clerk in their psychiatry department.
18. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant's negligence in undertaking a duty, including, but not limited to, to keep its patients safe

from predators and failing to act in accord with that duty by allowing John Doe to continue his role where he had the access and the means to prey on young girls like Plaintiff, and the hospital had a duty to supervise John Doe.

AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE AGAINST

BRONX LEBANON HOSPITAL CENTER

19. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 18., inclusive, with the same force and effect as if hereinafter set forth at length.
20. At all times mentioned herein, defendant **BRONX-LEBANON HOSPITAL CENTER** owed a duty of care, including in loco parentis, to keep its minor aged patients in its hospital safe from sexual abuse by its agents, servants and/or employees under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise John Doe.
21. At all times herein mentioned, defendant **BRONX-LEBANON HOSPITAL CENTER** owed a duty of care to properly supervise its agents, servants and/or employees to ensure that its children patients were not being abused by its agents, servants and/or employees on its premises.
22. At all times mentioned herein, defendant **BRONX-LEBANON HOSPITAL CENTER** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
23. As a result of the negligence of defendant **BRONX-LEBANON HOSPITAL CENTER** and/or its agents, servants and/or employees, plaintiff was caused serious personal

injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

24. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
25. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
26. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
27. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING, RETENTION
AND SUPERVISION AGAINST BRONX-LEBANON HOSPITAL CENTER**

28. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27, inclusive, with the same force and effect as if hereinafter set forth at length.
29. Defendant **BRONX-LEBANON HOSPITAL CENTER**, had a duty to supervise and prevent known risks of harm to its children and patients.
30. Defendant was negligent in hiring, retaining and supervising John Doe and other hospital agents, servants and/or employees who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge, skill and moral character of hospital staff who should have properly been supervising the staff and minor aged patients to ensure the safety of the minor aged patients.
31. Defendant **BRONX-LEBANON HOSPITAL CENTER** knew or should have known that John Doe sexually assaulted plaintiff and/or had the capacity and/or propensity to do so.

32. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
33. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
34. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
35. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
36. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS AGAINST BRONX LEBANON HOSPITAL CENTER**

37. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 36., inclusive, with the same force and effect as if herein set forth at length.
38. Defendant **BRONX-LEBANON HOSPITAL CENTER** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire John Doe would and did proximately result in physical and emotional distress to Plaintiff.
39. Defendant **BRONX-LEBANON HOSPITAL CENTER** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

40. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by John Doe.
41. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted John Doe sexually abusing Plaintiff.
42. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
43. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
44. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
45. This action falls within exceptions to Article 16 of the C.P.L.R.

AS FOR A FOURTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS AS TO JOHN DOE

46. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 45., inclusive, with the same force and effect as if hereafter set forth at length.
47. Defendant **JOHN DOE** engaged in outrageous conduct towards plaintiff with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress by sexually assaulting her as a child in the hospital.
48. As a proximate result of the aforementioned assaults, batteries, and other violations committed against Plaintiff, she has suffered and continues to suffer extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, all her damage in amounts to be proven at trial.

49. Defendant **JOHN DOE** committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
50. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
51. This action falls within the exceptions to Article 16 of the C.P.L.R.

AS FOR THE FIFTH CAUSE OF ACTION FOR ASSAULT

AS TO JOHN DOE

52. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 51., inclusive, with the same force and effect as if herein set forth at length.
53. Defendant **JOHN DOE's** predatory, abusive, manipulative and unlawful acts against Plaintiff, created a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant **JOHN DOE** to plaintiff without plaintiff's consent.
54. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, serious and severe psychological injuries and emotional distress, mental anguish, embarrassment and humiliation.
55. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and will now be obligated to expend sums of money for medical care and attention in effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

56. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **JOHN DOE** in such sums a jury would find fair, just and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant **JOHN DOE** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
57. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
58. This action falls within exceptions to Article 16 of the C.P.L.R.

AS FOR THE SIXTH CAUSE OF ACTION FOR BATTERY

AS TO JOHN DOE

59. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 58., inclusive, with the same force and effect as if herein set forth at length.
60. When Ms. Doe was approximately eleven years old, defendant **JOHN DOE** confined plaintiff in her hospital room, his home and his car and unlawfully sexually abused her by raping her and otherwise sexually abusing her.
61. Defendant **JOHN DOE's** unlawful, abusive, manipulative, and predatory acts against plaintiff, amounted to a series of harmful and offensive contacts to plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.
62. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, psychological injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

63. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **JOHN DOE** in such sums a jury would find fair, just and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant **JOHN DOE** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
64. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
65. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiffs demand judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Sarah R. Cantos
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:

_____/19

-----X
AISHA MORGAN,*Plaintiff,*

-against -

**ATTORNEY
VERIFICATION**BRONX-LEBANON HOSPITAL CENTER and JOHN
DOE,*Defendants.*-----X
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019


JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

AISHA MORGAN,

Plaintiff,

- against -

BRONX-LEBANON HOSPITAL CENTER and JOHN
DOE,

Defendants,

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

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To: All Parties
